



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

---

In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

CWA/148128

---

**PRELIMINARY RECITALS**

Pursuant to a petition filed March 19, 2013, under Wis. Admin. Code § HA 3.03, to review a decision by the Bureau of Long-Term Support and/or its contract agencies in regard to Medical Assistance, a hearing was scheduled for May 29, 2013 but not held.

There is no issue for determination by the Division of Hearings and Appeals at this time.

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Petitioner's Representative:

Attorney Liz Mamerow  
230 West Wells St Room 800  
Milwaukee, 53203

Respondent:

Department of Health Services  
1 West Wilson Street  
Madison, Wisconsin 53703  
By: Neil Suemacht  
Community Care  
Jill Speer, IRIS

**ADMINISTRATIVE LAW JUDGE:**

David D. Fleming  
Division of Hearings and Appeals

This appeal was filed to contest a change in Petitioner's level of care from the nursing home level of care to the non-nursing home level of care. Contact with the various parties prior to the hearing indicates that this matter has been resolved. Thus no hearing has been held. There is no indication that there is any issue remaining for resolution by the Division of Hearings and Appeals or any relief to be ordered. In fact, it is the understanding of the undersigned that this appeal is withdrawn. The Division of Hearings and Appeals will, therefore, dismiss this appeal. If I have misunderstood the circumstances, the parties should note the rehearing instructions below.

**CONCLUSIONS OF LAW**

That there is no issue for resolution by the Division of Hearings and Appeals.

**THEREFORE, it is**

**ORDERED**

That this appeal is dismissed.

**REQUEST FOR A REHEARING**

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

**APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

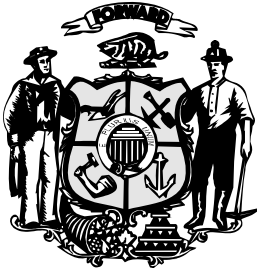
For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 24th day of June, 2013

---

\sDavid D. Fleming  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

Wayne J. Wiedenhoeft, Acting Administrator  
Suite 201  
5005 University Avenue  
Madison, WI 53705-5400

Telephone: (608) 266-3096  
FAX: (608) 264-9885  
email: [DHAmail@wisconsin.gov](mailto:DHAmail@wisconsin.gov)  
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on June 24, 2013.

Bureau of Long-Term Support

[emm@legalaction.org](mailto:emm@legalaction.org)

[DHA.Recipients@communitycareinc.org](mailto:DHA.Recipients@communitycareinc.org)